

1 BILL NO. Z-86-06-08

2 ZONING MAP ORDINANCE NO. Z-

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. R-38.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

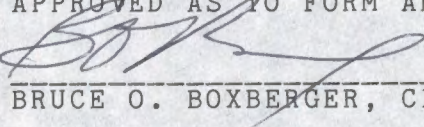
7 SECTION 1. That the area described as follows is
8 hereby designated an R-3 (Multi-Family Residential) District
9 under the terms of Chapter 33 of the Code of the City of
10 Fort Wayne, Indiana of 1974:

11 Lot #22 in Hoffman's Subdivision,
12 and the symbols of the City of Fort Wayne Zoning Map No.
13 R-38, as established by Section 11 of Chapter 33 of the Code
14 of the City of Fort Wayne, Indiana are hereby changed
15 accordingly.

16 SECTION 2. That this Ordinance shall be in full force
17 and effect from and after its passage and approval by the
18 Mayor.

19 
Councilmember

20 APPROVED AS TO FORM AND LEGALITY:

21 
22 BRUCE O. BOXBERGER, CITY ATTORNEY
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Read the first time in full and on motion by E. Schuch
seconded by Redd, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the C.
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M.,

DATE: 6-10-86

Sandra E. Kennedy
Deputy Clerk
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by E. Schuch
seconded by Redd, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 7-22-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the _____ day of _____, 19____
at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ M., E.S.T.

WIN MOSES, JR., MAYOR

RECEIPT

No 1065

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., MAY 15 1986

RECEIVED FROM JACK C. FLORENT \$ 50.00

THE SUM OF Fifty and 00/100 DOLLARS

ON ACCOUNT OF REZONING FROM RA TO R3
FOR A PROFESSIONAL OFFICE

[Signature]
AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE Professional Office

THIS IS TO BE FILED IN DUPLICATE

I/We Jack & Linda Florent
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an R-3 District the property described as follows:

Hoffman's Sub Lot 22, St. Joseph Township
Section 17

Address: 5962 St. Joe Road

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Jack C. Florent</u>	<u>5962 St. Joe Road</u> (X)	<u>Jack C. Florent</u>
<u>Linda M. Florent</u>	<u>5962 St. Joe Road</u> (X)	<u>Linda M. Florent</u>
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Sean Collentine</u>	<u>Anthony Wayne Bank Bldg</u>	<u>422-8474</u>
(Name)	<u>Suite 1107 - 46802</u> (Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Hoffman's Sub Lot 22
St. Joseph's Township
Section 17

Owners of Property

Jack C. Florent	5962 St. Joe Road	Jack C. Florent
Linda M. Florent	5962 St. Joe Road	Linda M. Florent
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

It is the intent of the owners to move. Their family is very young and enlarging and they felt that their property, due to its location, is a much better place to run a professional office than it is to raise a family. The owners feel that it will be very difficult to sell their property as a residence for another family since it is far from ideal as a residence. It is for this reason that the R-3 designation is sought. A restriction to limit usage to a professional office is certainly acceptable.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 10, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-06-08 ; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 16, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

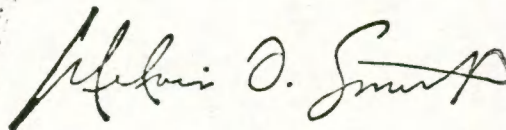
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 23 June 1986.

Certified and signed this
30th day of June 1986.



Melvin O. Smith
Secretary

Division of Community Development & Planning

FACT SHEET

4-00-00-00

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

From R-1 to R-3

DETAILS

Specific Location and/or Address

5962 St. Joe Road

Reason for Project

To establish a Profesional Office use.

Discussion (Including relationship to other Council actions)

16 June 1986 - Public Hearing

Sean Collettine, an agent with the Zacher Company appeared before the Commission representing the petitioners. He stated that they do not feel that this is spot zoning. He stated he would ask that the Commission consider that the road is being widened in the near future. He stated that this petition is for a use that is fairly "light" in nature - a professional office is not a heavy traffic generator. He stated that they feel that going to a zoning such as R-3 with a restriction for professional office uses, that it would minimize the other possible developments that could go in the area. He stated that this area would be a likely expansion for retail businesses. He stated that currently there is a single family residence with approximately 800 sq. ft., which would be ideal for a doctor's or dentists or architect. He stated they are not looking for a high traffic generator use. He stated they feel that there is a shortage of this type of space available in the area. He stated that this property is no longer marketable as a single family residence due to the traffic situation.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

23 June 1986 - Business Meeting

A motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 6 members present - 5 voted in favor of denial one (1) did not vote.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)

Jack & Linda Florent

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☐ For

☒ Against

Reason Against

-constitute "spot zoning"

-detrimental to area

Board or Commission Recommendation

By

☐ For

☒ Against

☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass

☐ Other

☐ Pass (as
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date May 15, 1986

Projected Completion or Occupancy

Date June 30, 1986

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Date

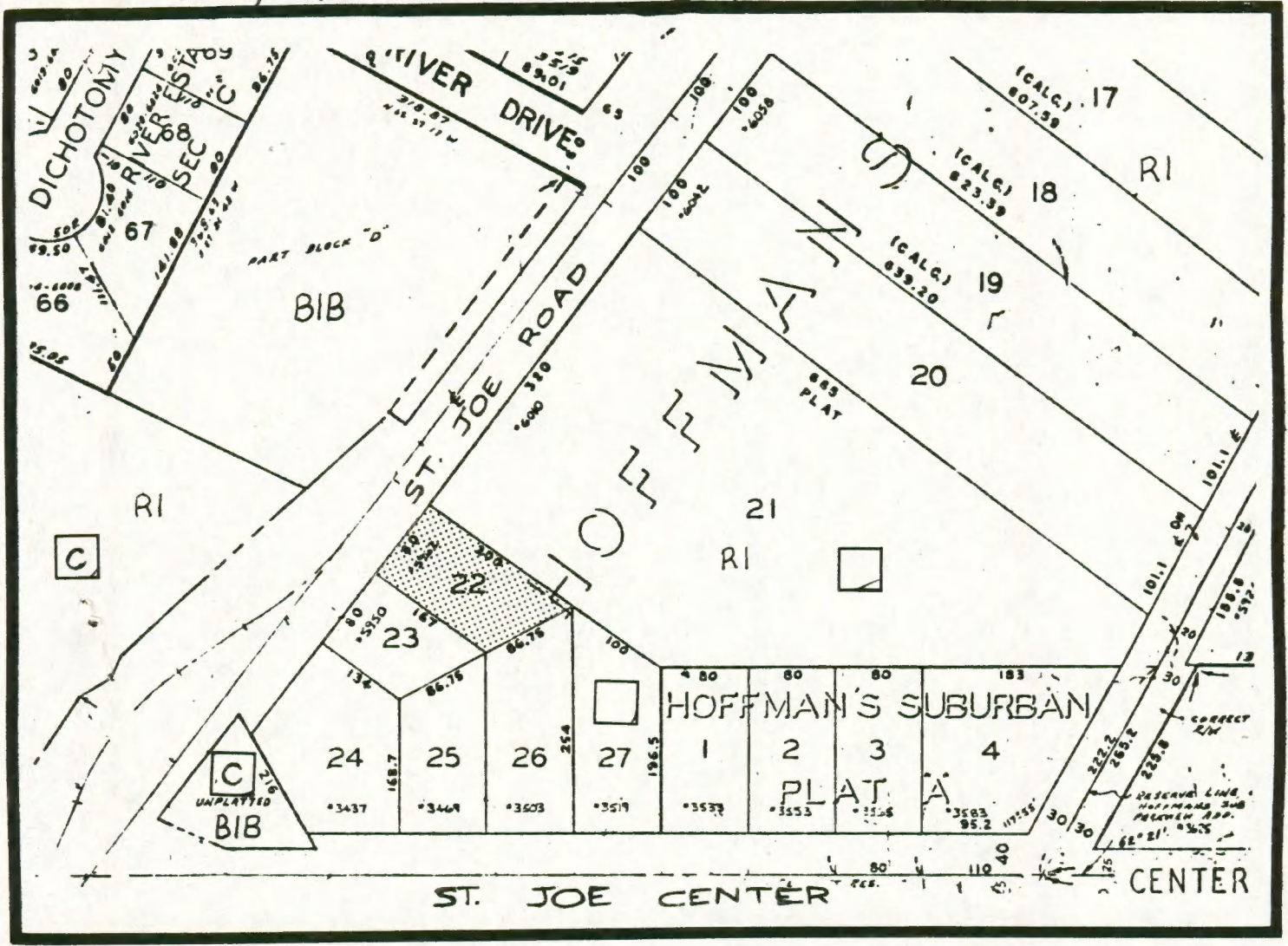
June 30, 1986

Reference or Case Number

REZONING PETITION #301

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RA TO AN R-3 DISTRICT.

Map R-38



ZONING:

RI ONE FAMILY RESIDENCE
BIB LIMITED BUSINESS

LAND USE:

☐ SINGLE FAMILY DWELLING
☒ COMMERCIAL
☐ EDUCATIONAL

SCALE: 1" = 100'

DATE: 5-23-86



ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

3-86-06-08

SYNOPSIS OF ORDINANCE 5962 St. Joe Road

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential

Property will become R-3 - Multi Family Residential.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. Z-86-06-08

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort

Wayne Zoning Map No. R-38

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

NO

BEN A. EISBART
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN 7-22-86

SANDRA E. KENNEDY
CITY CLERK